

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

SABINE SIMMONS,)
)
 Plaintiff,) CIVIL ACTION NO.
)
 v.) 2:18cv640-MHT
) (WO)
 ALABAMA STATE UNIVERSITY)
 and LEON C. WILSON,)
)
 Defendants.)

ORDER

It is ORDERED that plaintiff's motions to amend the scheduling order to allow for the deposition of Cheryl Easly (Doc. 40 & Doc. 53) are denied.

The Uniform Scheduling Order warns that "'eleventh hour' extension requests and motions will be denied outright." Uniform Scheduling Order (Doc. 31) at 7. Plaintiff's motions are such requests.

In addition, plaintiff has not shown good cause for an extension. Plaintiff's counsel has provided no valid reason for waiting until mid-February--shortly

before the end of the discovery period--to serve Easly with a subpoena, especially given that defense counsel had informed him he would need to serve one. Moreover, the court sees no evidence that defense counsel engaged in any unfair or unethical behavior, or that their conduct caused the delay in deposing Easly. Easly is no longer an employee of the defendant. Though it might have been gracious to do so, defense counsel were certainly under no obligation to assist plaintiff's counsel with serving a deposition notice or subpoena on a person their client does not employ and that they did not represent. When Easly finally received the subpoena, she asked defense counsel to represent her, and they chose not to agree to an extension of the discovery deadline. Contrary to plaintiff counsel's wild claims, there is nothing scandalous or unusual about that.

DONE, this the 5th day of April, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE